

REMARKS / ARGUMENTS

I. General Remarks

In the amendment filed October 22, 2007, Applicants inadvertently failed to specifically address the rejection of certain claims under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 4,532,052 to Weaver et al. (hereinafter “*Weaver*”). Accordingly, Applicants file this Supplemental Amendment to specifically address this § 102 rejection. Applicants thank the Examiner for his careful consideration of this application and further request reconsideration in light of the remarks contained herein.

In the Final Office Action, claims 1-5, 10-14, 21, 24-29, 100-106, 108-127, and 129-149 were rejected. In the amendment filed October 22, 2007, claims 2, 108, 129, 146 and 148 were canceled, claims 1, 4, 11-114, 24, 26, 29, 101-106, 110, 113-119, 121-123, 127, 131, 134-140, and 142-144 were amended, and claims 150-154 were added. By the present Supplemental Amendment, Applicants have amended claims 111 and 124. These amendments are supported by the specification as filed. All the amendments are made in a good faith effort to advance the prosecution on the merits of this case. It should not be assumed that the amendments made herein were made for reasons related to patentability. Applicants respectfully request that the above amendments be entered and further request reconsideration in light of the amendments and remarks contained herein.

II. Remarks Regarding Rejections Under 35 U.S.C. § 102(b)

In the Final Office Action, the Examiner stated: “The 35 U.S.C. 102(b) rejection of claims 106, 108-111, 117, 119, 120, 123-127, 129-132, 138, 140, 141, 144 and 145 as anticipated by *Weaver* has been maintained for reasons previously made of record in item 6 on page 3 of OA.” (Final Office Action at 2.) As noted above, Applicants inadvertently failed to specifically address this rejection in the amendment filed October 22, 2007. However, in Section II of the prior amendment, Applicants specifically addressed *Weaver* in view of a rejection under 35 U.S.C. § 103(a). In the remarks regarding this § 103(a) rejection, Applicants demonstrated that *Weaver* fails to teach or suggest a method wherein a “hydrophobically modified water-soluble polymer reduces the permeability of the subterranean formation zone to aqueous-based fluids,” as recited in independent claims 106 and 127. Moreover, Applicants further amended independent claims 106 and 127 to recite the limitation from claim 1 that the Examiner indicated was not disclosed by *Weaver*. (See Final Office Action at 7 (“*Weaver* does not expressly

disclose the RPM to have the alkyl branch recited in claim 1").)

Therefore, Applicants respectfully assert that independent claims 106 and 127 are not anticipated by *Weaver* because *Weaver* does not disclose all of the claim limitations. Moreover, claims 108-111, 117, 119, 120, 123-127, 129-132, 138, 140, 141, 144, and 145 depend, either directly or indirectly, from independent claims 106 and 127. All these dependent claims include all the limitations of the independent claims from which they depend on, and thus are allowable for at least the reasons cited above with respect to independent claims 106 and 127. *See* 35 U.S.C. § 112 ¶ (2004). Applicants thus request withdrawal of this rejection.

III. No Waiver

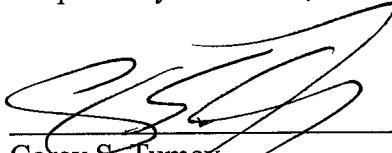
All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art.

SUMMARY

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no fees are due at this time. Should the Commissioner deem that any fees are due, including any fees for extension of time, Applicants respectfully request that the Commissioner accept this as a petition therefor, and direct that any fees be charged to the Deposit Account of Baker Botts L.L.P. (No. 02-0383, Order Number 063718.0331).

Respectfully submitted,



Corey S. Tumey
Reg. No. 57,979
BAKER BOTTs, L.L.P.
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: 713.229.1812
Facsimile: 713.229.2812
Email: Corey.Tumey@bakerbotts.com

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